

Order

Michigan Supreme Court
Lansing, Michigan

December 8, 2006

Clifford W. Taylor,
Chief Justice

129409

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DIANE BUKOWSKI and MICHIGAN CITIZEN,
Plaintiffs-Appellees,

v

SC: 129409
COA: 256893
Wayne CC: 02-242574-CZ

CITY OF DETROIT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 26, 2005 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether the Court of Appeals erred in instructing the Wayne Circuit Court, on remand, that the Freedom of Information Act "frank communications" exemption, MCL 15.243(1)(m), does not apply to communications that are no longer preliminary to an agency determination of policy or action, even if the communications were preliminary at the time that they were made. The parties may file supplemental briefs within 42 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 8, 2006

Corbin R. Davis

Clerk